APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,521	10/09/2001	Ian Hirschsohn	021202-000200US	7287

26290 7590 04/30/2007	EXAMINER	
PATTERSON & SHERIDAN, L.L.P.	TRUONG, CAMQUY	
3040 POST OAK BOULEVARD	ART UNIT	PAPER NUMBER
SUITE 1500		
HOUSTON, TX 77056	2195	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>9/24/06</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-12</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-12</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-12 are presented for examination.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3.   Claims 7-8, 11-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A.   The claim language in the following claims is not clearly understood:

i. As to claims 7 and 11, lines 4-5, it is not clearly understood what contains in " a map of sequences" (i.e. mapping tasks to resources).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4.   Claims 1-3, 5, 7-12 are rejected under 35 U.S.C. 102(e) as being unpatentable

by Hvostov et al. (U.S. Publication 2003/0039211 A1).

5.   As to claim 1, Hvostov teaches the invention as claimed including: in a multi-

processor computing environment, a method by a first processor for allocating

resources for use by a second processor (A bandwidth allocation strategy server (CPU)

communicates with the various Media Access Controller and determine the bandwidth

allocated to each Optical Network Unit (ONU) in response to request of end user

(computer or workstation, paragraph 7, lines 1-4), the method comprising:

        Providing a script to the first processor (the BAS server accesses a recent

bandwidth allocation history file for various ONU, paragraph 8, lines 1-3), the first

processor being dedicated solely to the allocation of resources to one or more other

processors (the BAS server ensure that the average bandwidth allocated to any

particular ONU is fair, paragraph 8, lines 1 - 3), the script containing information related

to the resources required by the second processor and when required (a bandwidth

allocation history file 32 stores recent bandwidth allocations for the various ONUs so the

server 26 can determine if the average bandwidths allocated for the various ONUs are

fair, paragraph 19, lines 4 –12);

        Parsing script to determine the resources required by the second processor (the

BAS determine the proper allocation of bandwidth for each ONU, paragraph 9, lines 1-

4); and

Dynamically allocating the resources at the time needed by the second processor

(the BAS server then transmits the bandwidth allocation to the various ONUs,

paragraph 9, lines 4-7, paragraph 3, lines 1-3; claim 19, lines 11-21; paragraph 31, lines

14 - 16).

6.   As to claims 7 and 9, they are rejected for the same reason as claim 1. In

addition, Hvostov teaches:

The script containing a map of sequences that will occur during execution of the

one or more tasks (paragraph 24, lines 24; paragraph 30, lines 1-5; paragraph 31, lines

1-16).

7.   As to claim 11, it is rejected for the same reason as claims 7 and 9. In addition,

Hvostov teaches a script engine for running the script file (algorithm processors that

perform bandwidth allocation, paragraph 20, lines 1-14).

8.   As to claims 2 and 10, Hvostov teaches the script further comprise information

related to resources required by a third processor (a bandwidth allocation history file 32

stores recent bandwidth allocations for the various ONUs so the server 26 can

determine if the average bandwidths allocated for the various ONUs are fair, paragraph

19, lines 4 –12); and

Dynamically allocating the resources at the time needed by the third processor

(the BAS server then transmits the bandwidth allocation to the various ONUs,

paragraph 9, lines 4-7, paragraph 3, lines 1-3; claim 19, lines 11-21; paragraph 31, lines

14 - 16).

9.   As to claim 3, Hvostov teaches the first processor to processing the script (the

BAS server accesses a recent bandwidth allocation history file for the various ONUs to

ensure that the average bandwidth allocated to any particular ONU is fair, paragraph 8,

lines 1-5).

10.   As to claim 5, hvostos teaches the information in script is the execution sequence

of the program (paragraph 24, lines 24; paragraph 30, lines 1-5; paragraph 31, lines 1-

16).

11.   As to claim 8, Hvostov teaches the script is an I/O processor script (paragraph 6,

lines 1-10).

12.   As to claim 12, Hvostos teaches dynamically allocating the resources at the time

needed by the tasks (the BAS server then transmits the bandwidth allocation to the

various ONUs, paragraph 9, lines 4-7, paragraph 3, lines 1-3; claim 19, lines 11-21;

paragraph 31, lines 14 - 16).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

13.   Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Hvostov et al. (U.S. Publication 2003/0039211 A1), in view of Pitot (U.S. Patent

5,375,208).

14.   As to claims 4 and 6, Hvostos does not explicitly teach the resources are

memory and matrix configuration. However, Pitot teaches the resources are memory

and matrix configuration (col. 1, lines 40-45).

15.   It would have been obvious to a person of ordinary skilled in the art at the time of

the invention to apply the teaching of a resources are memory and matrix configuration

as taught by Pitot to the invention of Hvostos because this allows dynamic allocation of

memory locations as and when required so that the memory resource is optimized.

Response to the argument

16.   Applicant's arguments filed 4/26/03 for claims 1-12 have been considered but are

moot in view of the new ground(s) rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

17.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Camquy Truong whose telephone number is (571) 272-3773. The examiner can normally be reached on 8AM – 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3756.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for published
applications may be obtained from either Private PAIR of Public PAIP. Status
information for unpublished applications is available through Private PAIR only. For
more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you
have questions on access to the Private PAIP system, contact the Electronic Business
Center (EBC) at 866-217-9197(toll-free).

Camquy Truong

April 17, 2007

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